

ON JUNE 19, 2015, R277-406 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION (USBE) ON SECOND READING. THE RULE IS SCHEDULED FOR THIRD AND FINAL READING BY THE USBE AT ITS AUGUST 7, 2015 MEETING.

R277. Education, Administration.

R277-406. K-3 Reading Improvement Program and the State Reading Goal.

R277-406-[2]1. Authority and Purpose.

~~[A.]~~ (1) This rule is authorized ~~[under]~~ by:

(a) Utah Constitution, Article X Section 3, which vests general control and supervision over public education in the Board~~[, by]~~ ;

(b) Subsection 53A-1-401(3), which allows the Board to make rules in accordance with its responsibilities~~[,]~~ ; and ~~[by]~~

(c) Subsection 53A-17a-150(14)(a), which directs the Board to develop rules for implementing the K-3 Reading Improvement Program.

~~[B.]~~ (2) The purpose of this rule is to outline the responsibilities of ~~[USOE]~~ the Superintendent and LEAs for implementation of Section 53A-17A-150, K-3 Reading Improvement Program, and Section 53A-1-606.5, State Reading Goal-Reading Achievement Plan.

R277-406-[1]2. Definitions.

~~[A.]~~ (1) "Benchmark assessment" means an assessment that:

(a) is given three times each year at:

(i) the ~~[at]~~ beginning of the school year~~[,]~~ ;

(ii) ~~[middle]~~ the midpoint of the school year~~[,]~~ ; and

(iii) the end of the school year~~[,]~~ ;

(b) ~~[designed to]~~ gives teachers information to:

(i) plan appropriate instruction~~[,]~~ ; and

(ii) evaluate the effects of ~~[that]~~ instruction~~[,]~~ ; and ~~[to]~~

(c) provides data about the extent to which students are prepared to be successful on the end of year Criterion Referenced Test.

~~[B. "Board" means the Utah State Board of Education.]~~

~~[C.]~~ (2) "Grade level in reading" means that a student gains adequate meaning from independently reading texts designed for instruction at that grade level.

~~[D. "LEA" means a local education agency, including local school boards/public school districts and charter schools.]~~

~~[E.]~~ (3) "LEA plan" means the K-3 Reading Achievement Program Plan submitted by a public school district~~[s and public]~~ or a charter school~~[s]~~.

~~[F.]~~ (4) "Midpoint of school year" means January 31 of the school year.

~~[G.]~~ (5) "Program" means the K-3 Reading Improvement Program.

~~[H.]~~ (6) "Program money" means ~~[funds allocated to an LEA through the K-3 Reading Improvement Program]~~ the same as that term is defined in Section 53A-17a-150.

~~[I.]~~ (7) "School plan" means the K-3 Reading Achievement

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Program Plan submitted by a public school~~[, including]~~ or a charter school~~[s]~~.

~~[J. "USOE" means the Utah State Office of Education]~~

R277-406-3. Board/~~[USOE]~~ Superintendent Responsibilities.

~~[A. The USOE shall provide model Program plans.]~~

~~[B.]~~ (1) The Board shall approve ~~[the P]~~ a program plan[s] submitted by an LEA~~[s]~~ pursuant to ~~[R277-406-4A]~~ Subsection R277-406-4(1).

~~[C. The Board shall develop uniform standards for acceptable growth goals that an LEA adopts.]~~

(2) In accordance with Section 53A-17a-150, the uniform standard for a growth goal is that the goal:

(a) signifies the percentage of third grade students who made typical, above typical, or well-above typical progress from the beginning of the year to the end of the year in third grade as measured by the benchmark assessment; and

(b) sets the target percentage of third graders making typical progress or better at 47.83 percent.

(3) The Superintendent shall use the information provided by an LEA described in Subsection R277-406-4(3) to determine the progress of each student in grade 3 within the following categories:

(i) well-above typical;

(ii) above typical;

(iii) typical;

(iv) below typical; or

(v) well-below typical.

~~[D. The USOE shall prepare and disseminate a Program report at the end of each school year from information submitted by LEAs.]~~

~~E. The Board shall make a report to the Public Education Appropriations Subcommittee that includes information on:~~

~~— (1) student learning gains in reading for the past school year and the previous five years;~~

~~— (2) the percentage of third grade students reading on grade level in the past school year and the previous five years;~~

~~— (3) progress of schools and school districts in meeting the goals in their K-3 Reading Improvement Plan(s);~~

~~— (4) correlation between third grade students reading on grade level and results of third grade language arts scores on criterion-referenced test or computer adaptive test; and~~

~~— (5) may include recommendations on how to increase the percentage of third grade students that read on grade level.]~~

R277-406-4. Responsibilities of LEAs.

~~[A.]~~ (1) To receive Program money, ~~[each elementary school or]~~ a

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school with K-3 grade levels shall submit a school plan to its local board or charter board, and each LEA shall submit an LEA plan to the Board for reading proficiency improvement that incorporates the ~~[following]~~ components described in Subsections 53A-1-606.5(3)(d) and 53A-17a-150(4)(a).~~[+]~~

- ~~[(1) assessment;~~
- ~~— (2) intervention strategies;~~
- ~~— (3) research-based best practices;~~
- ~~— (4) professional development for classroom teachers in kindergarten through grade three;~~
- ~~— (5) reading performance standards;~~
- ~~— (6) opportunity for parents to receive materials and guidance to assist their child at home; and~~
- ~~— (7) specific measurable, gain score goals that include:~~
 - ~~— (a) a goal of having every student reading at grade level by the end of grade three;~~
 - ~~— (b) a growth goal for each public school based on student learning gains as measured by benchmark assessments administered to increase the percentage of students who are at or above grade level at the end of third grade pursuant to Section 53A-1-603(2)d;~~
 - ~~— (c) goals for kindergarten, first grade, second grade, and third grade for each public school based upon student learning gains. As of July 1, 2012 this gain score goal must be based on benchmark assessments administered pursuant to Section 53A-1-606.6; and~~
 - ~~— (d) a growth goal for each public school to increase the percentage of third grade students who read on grade level from year to year as measured by the third grade reading test administered pursuant to Section 53A-1-603.]~~
- ~~— (8) reporting to parents:~~
 - ~~— (a) effective July 1, 2012, at the beginning, in the middle, and at the end of grade one, grade two, and grade three, parents shall receive their child's benchmark assessment results as required by Section 53A-1-606.6; and~~
 - ~~— (b) at the end of the third grade year, parents shall be notified whether or not the child is at grade level in reading.]~~

~~[B.]~~ (2) The school plan shall be created:

~~[[+]]~~ (a) for a school~~[s]~~ in a district, under the direction of the school community council;

~~[[2]]~~ (b) for a charter school~~[s]~~, under the direction of the charter school governing board.

~~[C. Program money shall be used only for reading proficiency improvement and only for students in kindergarten, first grade, second grade, and third grade, and may be used to supplement but not supplant other programs.~~

~~— [D. Program money may be used for:~~

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~~— (1) reading assessments;~~
~~— (2) focused reading interventions that have proven to significantly increase the percentage of students reading at grade level including the use of:~~
~~— (a) reading specialists;~~
~~— (b) tutoring;~~
~~— (c) before or after school programs;~~
~~— (d) summer school programs;~~
~~— (e) the use of reading software;~~
~~— (f) or the purchase of portable technology devices used to administer reading assessments; or~~
~~— (g) the use of interactive computer software programs for literacy instruction and assessments for students.~~

~~— E. An LEA that uses Program money in a manner that is inconsistent with these rules, Utah law, or established rules of fiscal accountability shall be directed to reimburse the Board for the amount of money improperly used or managed.]~~

~~[F.] (3) (a) An LEA[s] shall complete the report [pursuant to R277-406-3D] required by Subsections 53A-17a-150(13) (a) and 53A-17a-150(14) (b) (i) within timelines set by the [USOE] Superintendent.~~

~~[G. If for two consecutive years an LEA fails to meet its goal to increase the percentage of third grade students who read on grade level, the LEA shall not receive K-3 Reading Improvement Program money the following year, and an LEA shall terminate any levy imposed under Section 53A-17a-151.~~

~~— I. An LEA shall provide data and information for the USOE's year-end Program report to the Public Education Appropriations Subcommittee consistent with Section 53A-17a-150(16). LEAs shall report:~~

~~— (1) progress in meeting gain score goals]~~
~~(b) The report shall include:~~
~~(i) the information described in Subsection 53A-17a-150(16) (a) for kindergarten, first grade, second grade, and third grade, including information from the previous five years; and~~
~~(ii) the composite scores on the benchmark assessment of students in grades 1 through 3 to the Superintendent:~~

~~(A) through UTREx; and~~

~~(B) on or before July 1 of each year.~~

~~[(2) progress in meeting the state goal of all students at or above grade level in reading at the end of third grade, including the previous five years; and~~

~~— (3) how Program money was expended, by categories of expenditure.]~~

~~[H.] (4) An LEA that loses Program money due to a failure to meet its goal of increasing the percentage of third grade students at grade level may reapply for the Program money upon submission of~~

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a revised K-3 Reading Improvement Plan after one year of not receiving Program money.

KEY: reading, improvement, goal

Date of Enactment or Last Substantive Amendment: [~~August 7, 2013~~]2015

Notice of Continuation: [~~June 10, 2013~~]2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-150(14) (a)